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Attorney for Material Witnesses  
LIANG XIAN ZHENG,  
KONG XIANG HU,  
ZONG BIN LI AND  
SHUN BIAO ZHAO

**FILED**

DEC X 4 2008

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

In Re Material Witness Warrant.

**Case No. CR 07-90552 MISC VRW ( JCS)**

**STIPULATION AND ~~PROPOSED~~  
ORDER RELEASING MATERIAL  
WITNESS KONG XIANG HU FROM  
MATERIAL WITNESS WARRANT AND  
CONDITIONS IMPOSED UNDER  
18 U.S.C. SECTIONS 3144 AND 3142**

This stipulation is made by and between the United States of America, Fleet Management Limited, John Joseph Cota, and Material Witness Kong Xiang Hu, by and through their respective attorneys of record.

**RECITALS**

The stipulation is based on the following facts:

1. Liang Xian Zheng, Kong Xiang Hu, Zong Bin Li and Shun Biao Zhao were arrested as Material Witnesses pursuant to 18 U.S.C. § 3144 on or about December 20, 2007 in connection with the government's investigation of the M/V Cosco Busan's allision with the Bay Bridge.

2. On January 3, 2008, this Court imposed conditions of release and appearance on the Material Witnesses pursuant to 18 U.S.C. § 3142. Since that time, the Material Witnesses have been required to remain in the Northern District of California pending trial or deposition.

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3. This Court previously ruled, on November 7, 2008, that it would rescind the Material Witness warrants as to Material Witnesses Liang Xian Zheng and Zong Bin Li upon completion of their Rule 15 depositions. As a precondition for this rescission, the Court required the Material Witnesses to do the following: (1) Sign their deposition transcripts in the case of *United States of America v. John Cota et al.*, Case No. CR 08-0160 SI; (2) Accept service of a trial subpoena for the April 6, 2009 trial; (3) Authorize their counsel to accept service in the future; and (4) Provide a point of contact and an alternative point of contact in China.

4. The Court released Material Witnesses Liang Xian Zheng and Zong Bin Li on November 21, 2008 pursuant to stipulation by the parties that each of the foregoing conditions had been fulfilled by the Material Witnesses.

5. Mr. Hu's Rule 15 deposition was completed on November 25, 2008. On December 3, 2008, Mr. Hu signed the deposition transcript under oath and was personally served with a trial subpoena. He also authorized his counsel, Jonathan Howden, to accept service of process in the future for any subsequent trial subpoena in this case. Mr. Hu has provided two alternate points of contact to his counsel, who in turn will provide them to the United States. He has satisfied all requirements imposed upon the two preceding Material Witnesses who already have been permitted to return home.


The parties hereby stipulate that Material Witness Kong Xiang Hu has fulfilled each of the conditions imposed by the Court as set forth above and should be released forthwith.

Dated: December 4, 2008

Respectfully submitted,

WINSTON & STRAWN LLP


By:

  
 Jonathan R. Howden  
 Attorney for Material Witnesses  
 Liang Xian Zheng, Kong Xiang Hu,  
 Zong Bin Li and Shun Biao Zhao

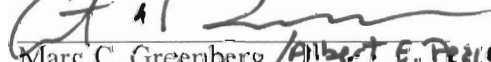
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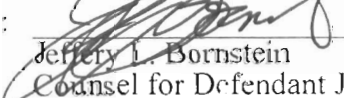
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Counsel for Plaintiff United States of America

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By:   
Marc C. Greenberg / ~~Albert E. Perlock III~~  
Counsel for Defendant Fleet Management

K&L GATES LLP

By:   
Jeffery L. Bornstein  
Counsel for Defendant John Cota

IT IS SO ORDERED.

Dated: 12/4/08

  
HONORABLE JOSEPH C. SPERO  
United States Magistrate Judge

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